

and he asked if we were going. He said Mrs. Pennell had been at a masquerade on the Sunday previous and he judged from that that Mrs. Pennell was out of the city. He asked me if I could see Mrs. Pennell to find out if she was going to the Elmwood Club dance. The next day I called Mr. Burdick up. It was about 11 o'clock.

Q. How did you see Mr. Pennell; the next day? A. I did not.
Q. Are you sure of that? A. Well, when I was going down town I think I saw Mr. Pennell in the car with a man named Good, but I am not sure whether it was that week or the week previous.

The police say that in her statement to them Mrs. Paine said positively she had seen Pennell on the day of the murder.

Q. Then you called Mr. Burdick up and told him of seeing Pennell? A. No, I did not do that, but I think I saw Mrs. Pennell at the market and she said nothing of going to the dance.

Q. When you lived in West Union street, did Mr. Burdick call at your house frequently? A. Only when there was some one there.

Q. Was that somebody Mrs. Warren, of Cleveland? A. Yes.

Q. How long ago did she visit you? A. In February a year ago.

Q. Was Mr. Burdick fond of Mrs. Warren? A. He certainly admired her greatly.

ABOUT MRS. WARREN'S DIVORCE.

Q. Did Burdick talk to you of her getting a divorce? A. Yes.

Q. And of her getting a divorce? A. Yes.

Q. Did he ask if she was going to marry again? A. There was some talk of her being interested in another Cleveland man.

Q. Was she engaged before she gained her divorce? A. I should hardly think so.

Q. Did you ever hear of Mr. Burdick having an arrangement to marry Mrs. Warren when she obtained her divorce? A. I certainly never heard or thought of such a thing.

Q. Where were you on the night of Feb. 26? A. At my house.

Q. Where were you in the morning? A. Down town.

Q. What time did you return? A. At 12:30.

Q. Did you have company? A. Yes, I had a woman friend in the afternoon visit.

Q. What time did you have dinner? A. At 6:30.

Q. Did you have any company that evening? A. None.

Q. Did you occupy the same bed with your little girl? A. Yes.

Q. Were you up during the night? A. Several times.

Q. Did you see Miss Cunningham? A. I did not.

DIDN'T LEAVE HOUSE THAT NIGHT.

Q. Did you go out of your house that night after supper? A. I did not.

Q. Did you receive any telephone messages from Mr. Burdick that night? A. I did not; I received a message from Dr. Paine at Batavia.

Q. When did you last see Mrs. Pennell? A. Ten days before the murder.

Q. Did you talk of divorces? A. Yes.

Q. What did she say? A. She asked if I had heard the rumor that she was going to get a divorce from her husband. She assured me she had never thought of such a thing until it was mentioned to her.

Q. Did she tell you she had been urging Mr. Burdick to take his wife back? A. I understood she had, but it was Mr. Burdick that told me of it.

Q. What did he say? A. He said he had told her she started the trouble and it was too late to interfere.

Q. What did he mean by that? A. Well, it seems Mrs. Pennell had gone to him first about her husband.

Q. Did she tell you she had written him a letter asking him to take his wife back? A. No.

Q. You knew the relations between Pennell and Mrs. Burdick? A. I heard the gossip.

Q. But you talked of this with Mrs. Pennell? A. Yes, she said it was all false. She did not believe a word of it.

Q. Did you ever hear Pennell threaten Burdick? A. No.

Q. Did you ever hear Burdick threaten Pennell? A. No.

Q. Was Pennell a quick-tempered man? A. I never knew him to exhibit temper.

ASKED ABOUT HER HUSBAND.

Q. Where was your husband on the night of the murder? A. Out of the city.

Q. When was he last here previous to that? A. On Monday, Feb. 23.

Q. He was not in the city between that date and the following Saturday.

A. Not to my knowledge.

Q. You did not leave your house the night of Feb. 26. A. Positively, I did not.

Q. Did you get a telephone from your husband that night? A. Yes—about 3 o'clock.

Q. Was there anything out of the ordinary in that conversation? A. No, he asked as usual about myself and our little girl.

By Attorney John C. Hubbell: Q. Did you know of Mr. Burdick carrying a revolver? A. I did not.

Q. Was he conscious at any time that he was being followed? A. He was.

Q. What did he say in reference to that? A. He said they would have a hard time earning their money.

Q. Did he ever say anything about Mr. Pennell? A. He said that he would forgive Mr. Pennell everything if he would only marry Mrs. Burdick, and said he would let them have the children for six months of the year.

Q. But did he ever express a feeling of resentment? A. He said he had been asked why he did not kill Pennell. He told me that no matter what he felt he could not bear to face his children with a murder on his hands.

Q. Q. Was Mr. Burdick certain he had the evidence to secure his divorce? A. He had no doubt of it.

Q. Did he ever say Pennell had threatened him? A. He said friends had warned him against Pennell, but he regarded him as a physical coward from whom he had nothing to fear.

Q. Well, he had learned Pennell threatened him? A. Yes, he had been told of that and he mentioned that he carried a revolver.

Q. Had Pennell ever threatened him personally? A. He did not say.

PENNEL THREATENED SUICIDE.

Q. Did he meet Pennell after the suit was brought? A. Once, either in his attorney's office or at Pennell's lawyer's. He told me Pennell had begged him tearfully to withdraw the case and had made a threat of suicide. He said he would kill himself and Mrs. Burdick unless the suit was withdrawn. Burdick told him he took it all as a bluff.

This closed Mrs. Paine's testimony and she left the stand.

It occurred from questions asked Mrs. Paine that Miss Maria Cunningham, who had been a boarder in her house and who helped out in her alibi, has left town and cannot now be found by the police. Mrs. Paine also disclaimed knowing her whereabouts.

PAINE SAYS BURDICK DID NOT AID HIM FINANCIALLY.

(Special to The Evening World.)

BUFFALO, March 17.—Dr. Paine followed his wife on the witness stand. He was a cool, determined witness. He gave the District Attorney a sharp glance when he denied that Burdick had helped him financially. He said that on the night of the murder he was in Batavia.

Mr. Coatsworth tried to make Dr. Paine admit that there were nights when he came to the city from Batavia that he did not go to his home. Dr. Paine stoutly maintained he always went home when he came in from Batavia.

R. G. Carlson, a boarder at Mrs. Paine's, attempted to supply an alibi for her. His room adjoined hers and he said he heard somebody moving about in her room when he returned to the house at 11 o'clock on the night of the murder. He was not sure it was she, as he had not seen her and did not hear her cough.

Charles S. Parke, a business partner of Burdick's, told of Pennell's visit to Burdick's office. He knew of Burdick's domestic troubles and early in last December Burdick told of his trouble with his wife.

Burdick said he did not blame the woman, but the man. He said he had shown her every indulgence, had given her money, but she had been a sufferer from her own weakness. So he blamed Arthur Pennell for his family troubles.

SENATE LATE ON THE CANAL VOTE

Arguments on the Amendments to the Panama Treaty Delays Final Action Beyond Time Agreed Upon.

NO CHANGES PERMITTED.

(Special to The Evening World.)

WASHINGTON, March 17.—The Senate resumed consideration of the Panama Canal treaty immediately after considering Senator Money's amendment eliminating the disclaimer that the United States will not heretofore seek to acquire territory in South and Central America and limiting the guarantee of independence for Colombia was discussed at great length.

Many Senators on each side availed themselves of the fifteen minutes allotted under the agreement. This amendment was rejected by a strictly party vote. It is not expected a final vote on ratification will be reached until late this evening and a night session to complete the debate is not improbable.

The treaty carries certain ratification by an overwhelming vote approximately 60 to 1.

It will not be amended by the change of a word. It will be accepted as negotiated.

GERMAN PRINCES IMPROVE.

CAIRO, EGYPT, March 17.—The German Crown Prince Frederick William, who is at Luxor, Upper Egypt, suffering from measles, is progressing favorably toward recovery.

His brother, Prince Eitel, who is here, and who has been a sufferer from the same malady, is also convalescent.

JUSTICE DAY BETTER.

WASHINGTON, March 17.—Dr. Harlow today after his visit to Justice Day issued the following bulletin:

"Justice Day is doing well. He has passed the critical stage of the disease and convalescence has apparently begun."

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MRS. HULL, BURDICK'S MOTHER-IN-LAW, WHO FIGURES IN BUFFALO MYSTERY.



WABASH STRIKE WRIT FIGHT ON.

Trainmen Open Battle Against Injunction Forbidding Them to Tie Up Road with Denials of Coercion.

ANSWER TO THE COMPANY.

ST. LOUIS, March 17.—Arguments were begun today in the United States District Court, before Judge Adams, upon the motion of the defendants to dissolve the temporary injunction issued two weeks ago, restraining the officials of the Brotherhood of Railway Trainmen and the Brotherhood of Railway Firemen from ordering a strike of members of these organizations employed on the Wabash Railroad.

Prominent officials of both labor organizations were present at the opening of court and both sides to the controversy were represented by a strong array of counsel.

The proceedings opened by the reading of a number of affidavits filed by officials of the labor organizations in rebuttal of the affidavits of the Wabash system.

The affidavits were made by P. H. Morrissey, Grand Master of the Trainmen; J. J. Hannahan, Grand Master of the Firemen, and nine others, all being either officers or affiliated with the two labor organizations.

They stated in effect that no persuasion or argument had been used to induce the men to strike, but that, on the contrary, every man had expressed his desire by a vote, which he cast independently and without any dictation from any source.

It was also declared that no force or coercion was contemplated in bringing about a strike of the Wabash employees.

Several of the affidavits were of great length and their reading consumed much time.

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MAYOR LOW NOT IN LINE AT ST. PATRICK'S DAY PARADE.



69TH REGIMENT AT THE CATHEDRAL.

With the national and State colors waving and the band playing the "Star-Spangled Banner" the Sixty-ninth Regiment, in full-dress uniform, marched down the main aisle of St. Patrick's Cathedral on Fifth avenue at 11 o'clock today and took up a position around the altar, where Archbishop Parley was celebrating a Pontifical mass in honor of the patron saint of Ireland.

Besides the soldiers in their gaudy uniforms there was an immense gathering of worshippers at the services in the cathedral. The altar was decorated with white lilies and palms, and the vestments worn by the Archbishop and the priests

during the mass were of white and gold. Mr. Edwards was the assistant priest, and the deacons of honor were the Rev. J. J. Ken and T. J. Murphy. The Rev. Father R. Hughes was deacon of the mass and the Rev. P. McAleer sub-deacon, and the Rev. P. J. Hayes, the Archbishop's secretary, was master of ceremonies. The sermon was preached by the Rev. William J. B. Daly, the new rector of St. Malachi's parish, and the chaplain of the Sixty-ninth Regiment.

As the congregation of the host the bugle sounded and taps were rolled on the drums, and this was repeated at the adoration of the host by the Archbishop.

After the parade in the cathedral the regiment moved north along Fifth avenue to Forty-eighth street, east to Madison avenue, north to Fifty-fourth street, west to Fifth avenue and up Fifth avenue to One Hundred and Twenty-sixth street, across to Second avenue to Sulzer's Park.

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